

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHRISTOPHER WALLS,

Plaintiff,

vs.

UNION PACIFIC RAILROAD COMPANY, a
Delaware corporation;

Defendant.

8:20-CV-413

**ORDER REGARDING DEFENDANT'S
OBJECTIONS TO PLAINTIFF'S
DEPOSITION DESIGNATIONS**

This matter is before the Court on Defendant's objections to Plaintiffs' Deposition Designations of Dr. John Sojka and Dr. David Anderson. [Filing 106](#), [Filing 107](#). Defendant raises 11 objections for the Court to resolve. [Filing 126 at 1-2](#), [Filing 127 at 1-2](#).

I. DEFENDANT'S OBJECTIONS TO PLAINTIFF'S DEPOSITION DESIGNATIONS

A. The following objections and rulings are in reference to [Filing 107](#) and [Filing 126](#) concerning the deposition of Dr. John Sojka.

8:13 – Objection. Hearsay, cumulative as to Exhibit 21 and Exhibit 22.

Court's Ruling: The objection is overruled.

21:10-19 – Objection. Hearsay as to the exhibit.

Court’s Ruling: The objection is overruled.

25:14-24 – Objection. Hearsay as to the exhibit.

Court’s Ruling: The objection is overruled.

39:8-18 - Objection. Undisclosed, speculation.

Court’s Ruling: The objection is overruled.

B. The following objections and rulings are in reference to [Filing 106](#) and [Filing 127](#) concerning the deposition of Dr. David Anderson.

14:7-12 – Objection. Leading.

Court’s Ruling: The objection is overruled.

25:21-26:5 – Objection. Hearsay, foundation, relevance.

Court’s Ruling: Objections to foundation are waived if not made during the deposition. *See* [Fed. R. Civ. P. 32\(d\)\(3\)\(B\)](#); *see also* [Filing 91 at 4](#) (“The parties are reminded that objections to ‘form and foundation’ must have been made at the deposition, or they are waived”). During the deposition, counsel objected to the form of the question. Counsel did not object based on foundation. The objection to foundation is overruled. The objections based on hearsay and relevance are overruled as well.

34:24-35:1 – Objection. Leading.

Court’s Ruling: Objections as to the form of a question are waived if not made at the deposition. See [Fed. R. Civ. P. 32\(d\)\(3\)\(B\)](#); see also [Filing 91 at 4](#) (“The parties are reminded that objections to ‘form and foundation’ must have been made at the deposition, or they are waived”). During the deposition, counsel only said, “Objection.” Merely stating “objection,” without a specific basis, is not sufficient to make an objection as to form. The objection is overruled.

35:12-14 – Objection. Leading.

Court’s Ruling: The objection is overruled.

35:16-36:2 – Objection. Leading, foundation, speculation.

Court’s Ruling: The objection is overruled.

44:20-21 – Objection. Leading.

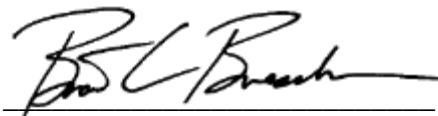
Court’s Ruling: The objection is overruled.

46:5-16 – Objection. Undisclosed in accordance with [Fed. R. Civ. P. 26](#), foundation, speculation.

Court’s Ruling: The objection as to speculation is sustained with respect to 46:5-16. The remainder of the objections are overruled.

Dated this 8th day of September, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'B. C. Buescher', written over a horizontal line.

Brian C. Buescher
United States District Judge